IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1130 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HABIBBHAI IBRAHIMBHAI MAREDIA

Versus

MOHMAD SHARIF SULEMANBHAI MAREDIA

Appearance:

1. Civil Revision Application No. 1130 of 1998

MR DK ACHARYA for Petitioner No. 1-2

MR SURESH M SHAH for Respondent No. 1

MR MEHUL S SHAH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 20/02/2004

ORAL JUDGEMENT

The petitioners have filed this civil revision

application challenging the order of the Appellate Court passed in Civil Misc. Appeal No.93 of 1997. By the said order, the Appellate Court has reversed the order passed by the trial Court below Exhs.5 and 24 and the original plaintiff was granted injunction by the Appellate Court. It is not in dispute that the order in question is interlocutory order in the suit. In view of the amendment in Section 115 of the Civil Procedure Code, this civil revision application is not maintainable. In order to file a petition under Article 227 of the Constitution of India, Mr.Acharya seeks permission to withdraw this revision application. Permission is granted. This revision application stands disposed of as withdrawn. Office is directed to hand-over certified copies of the order of the trial court and the Appellate Court as well as the documents produced on record by the petitioners on their request after supplying simple copy of the same.

(P.B.Majmudar,J)

(pathan)